

Appl. No. 10/806,201  
Reply to Office Action of May 5, 2006  
Office Action dated: March 17, 2009

### REMARKS

Applicants respectfully request reconsideration of the prior art rejections set forth by the Examiner under 35 USC sections 102 and 103. Applicants respectfully submit that the prior art references of record, whether considered alone or in combination fail to either teach or suggest Applicants presently claimed invention.

Applicants have modified each of the independent claims to specifically require that: a web enabled cellular telephone transmits the song identification information to a website that transfers the music to the web enabled cellular telephone.

Applicants respectfully submit that none of the references of record teach or suggest the use of such a web enabled cellular telephone for the purpose of designating and downloading songs for listening via a playlist. Applicants respectfully submit that it is only the instant disclosure which describes this advance in the art and provides the ability to conveniently and easily designate songs for downloading to a playlist.

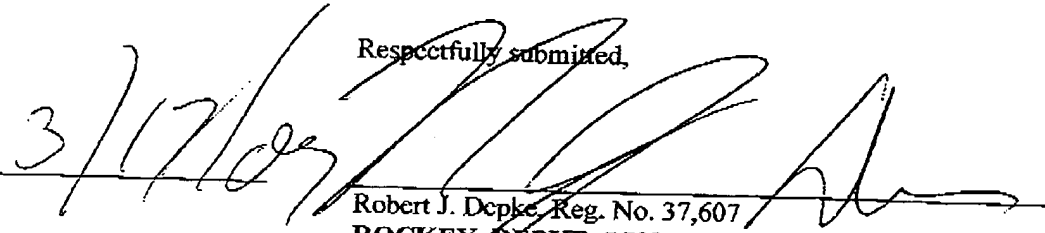
Accordingly, in light of the foregoing, applicants respectfully submit that all claims now stand in condition for allowance.

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In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

3/17/09 

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